

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2007-321-T - ORDER NO. 2008-358

MAY 19, 2008

IN RE:	Application of Fisher & Son, LLC d/b/a	)	ORDER RESCINDING
	Creekside Transportation, 5152 South	)	ORDER NO. 2007-660(A)
	Highway 17 Business, Murrells Inlet, South	)	
	Carolina 29576 (District 1) for a Class C	)	
	Non-Emergency Certificate of Public	)	
	Convenience.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of the Office of Regulatory Staff (ORS) to rescind Commission Order No. 2007-660(A) issued to Fisher & Son, LLC d/b/a Creekside Transportation (Fisher & Son or the Applicant) as the result of the failure of the Applicant to comply with certain rules of this Commission. By Order No. 2007-660(A),<sup>1</sup> dated September 28, 2007, Fisher & Son was granted authority to operate as a motor carrier in South Carolina under a Class C Non-Emergency Certificate of Public Convenience and Necessity.

In Order No. 2007-660(A), the Commission directed the Applicant to file, or cause to be filed, with the ORS the proper license fees, proof of liability insurance, and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2007) of the Commission's Rules and Regulations for Motor Carriers, and 23A S.C. Code Ann. Regs.

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<sup>1</sup> By Order No. 2008-199, dated March 27, 2008, the Commission amended the Applicant's authority granted in Order No. 2007-660(A); however, this amendment is irrelevant due to the rescission of Order No. 2007-660(A).

38-400 through 38-503 (Supp. 2007) of the Department of Public Safety's Rules and Regulations for Motor Carriers, within sixty (60) days of the date of the Order, or within such additional time as may be authorized by the Commission.

Further, Order No. 2007-660(A) instructed Fisher & Son that the failure to either complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance, payment of license fees, and such other information required by law within sixty (60) days of the date of the Order or to request and obtain from the Commission additional time to comply with the stated requirements, may result in the Applicant's authorization being revoked.

By Motion filed May 6, 2008, ORS requests rescission of Order No. 2007-660(A). According to ORS, Fisher & Son has not filed Form E, evidencing proof of liability insurance, nor requested an extension of time for compliance. As a result of Fisher & Son's failure to provide to the ORS proof of insurance, ORS states that it has not issued a Certificate of Public Convenience and Necessity to the Applicant and requests that the Order No. 2007-660(A) be rescinded for the Applicant's failure to comply with the terms of the Order.

After consideration of ORS' Motion, the Commission is of the opinion, and so finds, that its previous Order No. 2007-660(A) granting Fisher & Son authority to provide motor carrier services should be rescinded.

IT IS THEREFORE ORDERED:

1        That Commission Order No. 2007-660(A), dated September 28, 2007, granting authority to Fisher & Son, LLC d/b/a Creekside Transportation to provide motor

MAY 19, 2008

PAGE 3

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carrier services under a Class C Non-Emergency Certificate of Public Convenience and Necessity is rescinded.

2. That Docket No. 2007-321-T is closed.

3. That this Order shall remain in full force and effect until further Order of this Commission.

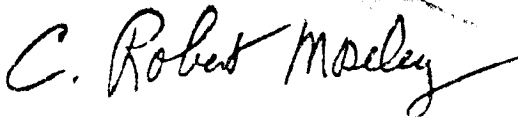
BY ORDER OF THE COMMISSION:



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G. O'Neal Hamilton, Chairman

ATTEST:



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C. Robert Moseley, Vice Chairman

(SEAL)